

REMARKS

[0003] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-36 are presently pending. Claims amended herein are 1, 2, 4, 6, 13, 21, 27, 28, 32, and 36. Claims withdrawn or cancelled herein are none. New claims added herein are none.

Statement of Substance of Interview

[0005] The Examiner graciously spoke with me—the undersigned representative for the Applicant—on June 27, 2007. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006] During the interview, I discussed how the claims differed from the cited art, namely Cheng. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments and we discussed examples where the Specification supports proposed amendments.

[0007] The Examiner was receptive to the proposals. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0008] Applicant herein amends the claims in the manner discussed during the interview, and provides support from the Specification for each presented amendment. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview and presented below.

[0009] Applicant respectfully disagrees with the Examiner's characterization of the interview in the "Continuation of Substance of Interview" section of the Examiner's Interview Summary. As presented herein, Applicant maintains that support for presented amendments exists in the Specification.

Formal Request for an Interview

[0010] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0011] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0012] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 2, 4, 6, 13, 21, 27, 28, 32, and 36 herein. Applicant amends claims to clarify claimed features in accordance with our telephone discussion with the examiner. Such amendments are made to expedite prosecution and quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to cited prior art.

Substantive Matters

Claim Rejections under § 102

[0013] Claims 1-36 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are overcome. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

[0014] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0015] The Examiner's rejections are based upon: **Cheng**; *Cheng, et al.*, US Patent No. 6,151,643 (issued November 21, 2000);

Overview of the Application

[0016] The Application describes a technology for automatically configuring a computing system including receiving an identifier associated with a computing system, identifying the authorized and available resources for the computing system, assessing the current resources of the computing system, and downloading, installing and configuring zero or more needed resources on the computing system based, at least in part, on the assessment. The claimed invention provides a means of automatically installing and configuring an operating system, applications and personalization settings of a computing system including configuring a computing system comprising receiving an access request from the computing system at a server, wherein an identifier associated with a user and/or the computing system is provided, and downloading one or more image files to automatically install and/or update one or more of an operating system, application(s), and personalized configuration setting information.

Cited Reference

[0017] Cheng describes a technology for updating client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client computers and software vendor computer systems communicating on a common network. The service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor

computer systems, information for identifying in the client computers the software products stored thereon, and information for determining for such products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that software products stored thereon, and using this information, determines from the database, which products have updates available, based on product name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software vendor computer systems and installed on the client computer. Payment for the software update and the service is mediated by the service provider computer. Authentication of the user ensures only registered users obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client computer during installation are monitored and archived, allowing the updates to be subsequently removed by the user.

Anticipation Rejections

[0018] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Cheng

[0019] The Examiner rejects claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by Cheng. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 1

[0020] The Examiner indicates (Action, p. 5-6) the following with regard to this claim:

As per claim 1, **Cheng et al** discloses a method comprising: maintaining, on a server for each of a plurality of computing systems, database including specific data, resources, profile, activity log, payment information, etc. associated with each user computing system that meets the recitation of data specifying which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); in column 6, lines 44-50 and column 20, lines 33-60 it is disclosed that authentication information is also stored associated with update software and products which meets the recitation of data specifying which resources are authorized for the computing system; column 7, lines 11-39 describes that users must be registered to received authorized resources. **Cheng et al** discloses receiving by a configuration agent (700, figure 7) at the server an identifier (i.e. user ID, password, unique registration number, e-mail address, or authentication information) associated with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); and discloses that the authentication ensures that only users who are authorized can obtain updates for software products (see column 7, lines 40-45). **Cheng et al** discloses a payment module obtaining user information such as fee, usage, count, connection time (data) from the server database that specifies authorized resources (software updates) corresponding to the received user login information (see column 17, lines 2-15 and lines 40-47) that meets the recitation of the configuration agent obtaining from the server data that specifies authorized resources corresponding to the received identifier. **Cheng et al** discloses the configuration agent interrogating the computing system to produce an assessment indicating assessing existing hardware and/or software computing system resources available on the computing system (see column 18, lines 42-58 and figures 17a-d); the configuration agent comparing the authorized resources with the assessment to identify one or more resources authorized but not installed on the computing system (see column 14, lines 45-64); and the configuration agent automatically modifying the computing system resources by installing the one or more identified resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

[0021] Applicant submits that Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- receiving by a configuration agent at the server an identifier associated with a computing system and a computing system user ,the **configuration agent**:
 - **obtaining**, from the server, data that specifies authorized resources corresponding to the received identifier;
 - **interrogating** the computing system to produce an assessment indicating existing hardware and/or software resources available on the computing system, wherein software resources include or more of an operating system, application(s), and personalized configuration setting information;
 - **comparing** the authorized resources with the assessment to identify one or more resources authorized but not installed on the computing system, **wherein one or more resources authorized but not installed does not include updates of currently installed resources**; and
 - **automatically modifying** the computing system resources by installing the one or more identified resources.

[0022] In this Action, the Examiner equates the addressable memory disclosed by Cheng with the “configuration agent” recited in this claim. Applicant respectfully disagrees.

[0023] Unlike the “configuration agent” of the claim, the addressable memory cited in Cheng is not characterized as operating to “automatically identify system resources of a computing system associated with a received identifier, downloading and configuring one or more of operating system(s), application, Internet and other personalization configurations and settings from one or more communicatively coupled data store(s).” The addressable memory of Cheng is merely the conventional memory of Cheng’s service provider computer. The addressable memory of Cheng does not include functionality of “automatically identify system resources of a computing system associated with a received identifier, downloading and configuring one or more of operating system(s), application, Internet and other personalization configurations and settings from one or more communicatively coupled data store(s).” To support this assertion, Applicant refers to the discussion of addressable memory provided by Cheng itself and its associated figure.

[0024] Cheng discusses addressable memory in this manner: “The service provider computer 102 includes one or more conventional processors in a processor core 723, and a suitable amount of addressable memory 700, preferably on the order of 18-64 Mb.,” (c. 9, ll. 56-66). Figure 7 of Cheng also illustrates “addressable memory 700” as a component of “service provider computer 102.”

[0025] As disclosed by Cheng and as understood by those of skill in the art, an addressable memory does not include the functionality of “automatically identify system resources of a computing system associated with a received identifier, downloading and configuring one or more of operating system(s), application, Internet and other personalization configurations and settings from one or more communicatively coupled

data store(s).” If the Examiner disagrees with this statement, then Applicant asks the Examiner to identify with particularity where Cheng discloses this.

[0026] Additionally, Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- **comparing** the authorized resources with the assessment to identify **one or more resources authorized but not installed** on the computing system, wherein one or more **resources authorized but not installed does not include updates of currently installed resources**

[0027] The citations to Cheng regarding this claimed feature appear to be directed to authorized credit card charges from a user driven registering of a software product into a database; and comparing to a service provider computer to see if an update is available for each product. Moreover, installation in Cheng appears to be limited to a software update being physically installed on a client computer.

[0028] Furthermore, Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- **automatically modifying** the computing system resources by installing the one or more identified resources

[0029] “Automatically” as cited in Cheng refers to a service provider essentially acting as a consolidator for updates. Users of Cheng’s system register to receive

information about available updates via email, identify desired updates, and select updates to receive from the service provider which consolidates the updates from diverse vendors. Automatic modification of the computing system resources as claimed is simply not disclosed.

[0030] Consequently, Cheng does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 13

[0031] The Examiner indicates (Action, p. 8-9) the following with regard to this claim:

As per claim 13, **Cheng et al** discloses a server comprising: a storage device to maintain a profile of personal resources, specifying for each of a plurality of computing systems which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); **Cheng et al** discloses the server providing an interface and service (see 700, fig. 7) that meets the recitation of configuration agent coupled to the storage device adapted to receive identifier for registering and identifying users when they are login to the service provider (see column 7, lines 5-39); **Cheng et al** discloses receiving by a configuration agent an identifier (i.e. user ID, password, unique registration number, e-mail address, or authentication information) associated

with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); generate an assessment of the current resources of the computing system (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); identify by comparing the assessment with the authorized resources one or more of the authorized resources which are missing from the computer system (see column 27, lines 7-23 and column 7, line 45 through column 8, line 20); automatically configure resources of the computing system to include the identified resources (see column 4, lines 17-28 and column 27, lines 24-26).

[0032] Applicant submits that Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- a configuration agent, coupled to the storage device, to:
 - **receive** an identifier associated with a computing system and/or computing system user;
 - **generate** an assessment of the current resources of the computing system;
 - **identify**, by comparing the assessment with the authorized resources, one or more of the authorized resources which are **missing** from a computing system, wherein one or more **missing authorized resources does not include updates of currently installed resources**; and
 - **automatically configure** resources of the computing system to include the identified resources.

[0033] Applicant respectfully disagrees with the Examiner's rejection equating the addressable memory disclosed by Cheng with the "configuration agent" recited in this claim for the same reasons as discussed regarding claim 1, above. Additionally, Applicant points out that the **configuration agent**, of claim 13 is "**coupled to the storage device**" whereas Cheng's addressable memory is a storage device.

[0034] Furthermore, Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- **generate** an assessment of the current resources of the computing system;
- **identify**, by comparing the assessment with the authorized resources, one or more of the authorized resources which are **missing** from a computing system, wherein one or more **missing authorized resources does not include updates of currently installed resources**

[0035] Rather than a **configuration agent generating an assessment of current computing system resources** as in the claim, the citations to Cheng appear to be directed to an application downloadable to a client to scan the client to detect installed software; and comparing to a service provider computer to see if an update is available for each software product. Moreover, "**authorized resources which are missing from a computer system**" is missing from Cheng because Cheng is directed to updates of software products found on the computer system.

[0036] Cheng is also deficient regarding "**automatically configuring resources of the computer system**" for similar reasons as discussed regarding "automatic modification" of claim 1. Consequently, Cheng does not disclose all of the claimed

elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 21

[0037] The Examiner indicates (Action, p. 11-12) the following with regard to this claim:

As per claim 21, **Cheng et al** discloses a storage medium comprising a plurality of executable instructions including at least a subset of which that when executed implement a configuration agent at a server to maintain for each of a plurality of computing systems data specifying authorized resources for the computing system (see column 17, lines 1-21 and figure 7); in column 6, lines 44-50 and column 20, lines 33-60 it is disclosed that authentication information is also stored associated with update software and products which meets the recitation of data specifying which resources are authorized for the computing system; column 7, lines 11-39 describes that users must be registered to received authorized resources. **Cheng et al** discloses receiving by a configuration agent (700, figure 7) at the server an identifier (i.e. user ID, password, unique registration number, e-mail address, or authentication information) associated with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); and discloses that the authentication ensures that only users who are authorized can obtain updates for software products (see column 7, lines 40-45); **Cheng et al** discloses conduct an assessment of the computing system resources upon receipt of an identifier associated with a computing system and/or computing system user (see column 14, line 45 through column 15, line 23 and column 27, lines 7-18 and figures 17a-d) identifiers are also received when the user connects to the service provider by login (see column 16, lines 20-47) identify by comparing the assessment with corresponding data specifying authorized resources, one or more of the authorized resources which are missing from the computer system (see column 14, lines 45-64 and column 27, lines 7-23); and automatically

download and install on the computing system the missing authorized resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

[0038] Applicant submits that Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- A storage medium comprising a plurality of executable instructions including at least a subset of which that, when executed, implement a **configuration agent** at a server to:
 - **maintain, for** each of a plurality of **computing systems**, data specifying **authorized resources** for the computing system;
 - **conduct an assessment of computing system resources** upon receipt of an identifier associated with the computing system and/or computing system;
 - **identify**, by comparing the assessment with corresponding data specifying authorized resources, one or more of the **authorized resources which are missing from the computing system**, wherein one or more missing authorized resources **does not include updates of currently installed resources**; and
 - **automatically download and install** on the computing system the **missing authorized resources**

[0039] Applicant respectfully disagrees with the Examiner's rejection equating the addressable memory disclosed by Cheng with the "configuration agent" recited in this claim for the same reasons as discussed regarding claims 1 and 13, above.

[0040] Furthermore, Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- **maintain, for each of a plurality of computing systems, data specifying authorized resources** for the computing system;
- **conduct an assessment of computing system resources** upon receipt of an identifier associated with the computing system and/or computing system;
- **identify, by comparing the assessment with corresponding data specifying authorized resources, one or more of the authorized resources which are missing from the computing system, wherein one or more missing authorized resources does not include updates of currently installed resources; and**
- **automatically download and install** on the computing system the **missing authorized resources**

[0041] Rather than a configuration agent maintaining data specifying authorized resources for a computing system as in the claim, the citations to Cheng appear to be directed to a user profile database that includes payment (i.e., credit card) information. Authorization appears to refer to payment for the service.

[0042] A configuration agent conducting an assessment of current computing system resources and identifying authorized resources which are missing from a computer system” is missing from Cheng because Cheng is directed to updates of software products found on the computer system, similarly as discussed above regarding the “generating an assessment” of claim 13.

[0043] Cheng is also deficient regarding “**automatically downloading and installing on the computing system missing authorized resources**” for similar reasons as discussed regarding “automatic modification” of claim 1 and “automatic configuration” of claim 13. Consequently, Cheng does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 27 and 32

[0044] Applicant submits that Cheng does not anticipate these claims because it does not show or disclose at least the elements as addressed above regarding claims 1, 13 and 21.

[0045] Consequently, since Cheng does not disclose all of the claimed elements and features of these claims, Applicant asks the Examiner to withdraw the rejections of these claims.

ARGUMENTS

[0046] Applicant has herein amended claim 1 to encompass claim 2 as previously presented and to clarify that the installation claimed is of an application not currently on a computing system—not an update of an application that currently exists on the computing system. Adequate support for this feature is provided in the Specification, at

least in the paragraph beginning at the bottom of page 9, reproduced below for convenience.

Generally, the data processors of server 12 are programmed by means of instructions stored at different times in the various computer-readable storage media of the computer. *Programs and operating systems are typically distributed*, for example, on floppy disks or CD-ROMs. From there, *they are installed or loaded into the secondary memory of a computer*. In accordance with the teachings of the present invention, however, *such programs (applications), operating systems and configuration settings may automatically be installed in a computer system utilizing the innovative configuration agent*
14. . . .

[0047] As emphasized above, installation of applications not preinstalled on the computing system is not limited by the disclosure to a computing system without *ANY* such resources installed as the Examiner suggested in the above mentioned interview.

[0048] Applicant amends claims 27 and 32 to encompass claim 28 as previously presented and to clarify that the installation claimed is of an application on to a new unconfigured computing system—not an update of an application that currently exists on the computing system. Adequate support for this feature is provided in the Specification, at least in the paragraph beginning at the bottom of page 11, reproduced below for convenience.

According to one implementation of the present invention, *a new computing system* (e.g., computing system 18A) *is provided to an end-user*

without any operating system, applications and/or configuration information pre-installed on the computer system. Rather, computing system 18A is provided with a fundamental level of functionality that minimally includes a BIOS 306 and the configuration interface 308. According to one implementation, configuration interface 308 transmits a unique identifier to the configuration agent 14 at server 12 to facilitate the automatic configuration of a host computing device. In addition, configuration interface 308 is used by configuration agent 14 to initially receive one or more of an operating system image, application(s), and configuration/personalization settings as configuration agent installs and configures the host computer with such resources.

[0049] As emphasized above, installation of resources on an unconfigured, i.e., new, computing system is also supported.

[0050] Applicant asserts that each dependent claim is properly treated as a separate claim, albeit written in short-hand, to include each feature of its base claim in addition to its own enumerated features.

[0051] Because each claim is separate, Applicant fails to see how the Examiner considered each feature of the dependent claims as different from the features of its base claim. For example, claim 21 and 22 (as previously presented and with emphasis added) are reproduced below for convenience.

21. A **storage medium** comprising a plurality of executable instructions including at least a subset of which that, when executed, implement a **configuration agent at a server** to:
maintain, for each of a plurality of computing systems, data specifying authorized resources for the computing system;

conduct an assessment of computing system resources upon receipt of an identifier associated with the computing system and/or computing system;

identify, by comparing the assessment with corresponding data specifying authorized resources, one or more of the authorized resources which are missing from the computing system; and

automatically download and install on the computing system the missing authorized resources.

22. A storage medium according to claim 21, wherein the **configuration agent** is further **configured to update computing system resources.**

[0052] For claim 22 to not be a duplicate claim of claim 21, common sense dictates that updating is not the focus of claim 21. While Applicant appreciates how dependent claim 22 could be rejected as directed to updating, independent claim 21 claims downloading and installing missing authorized resources—not updating.

[0053] Each distinct word in the claims should be read with commensurate distinct meaning. The claims above include the distinct terms “install” and “update.” One of ordinary skill in the art at the time of the invention of the instant application would have recognized the distinction between the terms. Additionally, according to Microsoft Press, Computer Dictionary,³ the terms’ definitions clarify the distinction.

³ Microsoft Press, Computer Dictionary, Second Edition, 1994.

Install: To set up and prepare for operation. Operating systems and application programs commonly include a disk-based installation program that does most of the work of setting up the program to work with the computer, printer, and other devices. Often such a program is capable of checking for devices attached to the system, requesting the user to choose from sets of options, creating a place for itself on a hard disk, and modifying system startup files if necessary. Installation can also pertain to the transfer of one of a limited number of copies of a program to a hard drive or a floppy disk from a copy-protected program disk (because the normal method of copying the program has been disabled).⁴

Update: As a verb, to change a system or a data file to make it more current.

As a noun, a new release of an existing software product. A software update usually adds relatively minor new features to a product or corrects errors (bugs) found after the program was released. Updates are generally indicated by small changes in version numbers, as in incrementing version 4.01 to 4.02. *Compare* release, version number.⁵

Request for Withdrawal of Finality

[0054] In accordance with MPEP 706.07(d), Applicant submits that the final rejection is premature. Applicant formally asks that the Examiner reconsider finality on of the rejections in this Action. Applicant submits that the Examiner should withdraw finality because during prosecution the Examiner has not articulated where, if at all, Cheng discloses each and every element of each rejected claim.

[0055] For example, the Examiner indicates (Action, p. 12-13) the following with regard to claim 26:

As per claim 26, **Cheng et al** discloses wherein the identifier is received from a communications device remote from the computing system (column 7, lines 10-40; column 5,

⁴ Id. at 214.

⁵ Id. at 404.

lines 18-21; and column 23, lines 41-49 and figure 1); and wherein the configuration agent automatically modifies computing system resources and communications device resources based at least in part on assessment of system resources of the computing system and communications device resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

[0056] Applicant submits that the Cheng does not anticipate this claim because it does not show or disclose at least the following elements as recited in this claim (with emphasis added):

- A storage medium according to claim 21, wherein the identifier is received from a **communications device remote from the computing system**, and wherein the **configuration agent automatically modifies computing system resources and communications device resources** based, at least in part, on **assessment of system resources of the computing system and communications device**.

[0057] In this Action, the Examiner equates a client computer (Cheng, c. 7, l. 10) with the claimed computing system, and further cites to *information about updates provided via email* (c. 5, ll. 18-21), *a security module* (c. 23, ll. 41-49), and *Cheng's system* (Fig. 1) to cover "wherein the identifier is received from a **communications device remote from the computing system**." Then, the Examiner cites to *a system analyzer on a client computer and the client computer downloading updates from vendor computers* (c. 15, ll. 16-24), *numerous users getting updates from diverse software vendors via a single update mechanism* (c. 4, ll. 12-23), and *downloading to a client computer from a service provider computer and paying the software vendor* (c. 27, ll. 24-26, in Cheng's claims

issued after the instant application was filed), to cover “wherein the configuration agent automatically modifies computing system resources *and communications device* resources based, at least in part, on assessment of system resources of the computing system *and communications device*.” However, nowhere does the Examiner point out, or Cheng provide anything that anticipates the claimed communications device in a system operative and arranged as in the instant claim.

[0058] At this time, based on the rejection provided, Applicant respectfully submits that Cheng fails to anticipate claim 26 for at least the reasons discussed above.

[0059] In order for Applicant to exercise its due process rights under the Administrative Procedures Act, Applicant respectfully requests that each element of the claim be addressed, so that the Applicant has an opportunity to respond before finality is imposed.

Dependent Claims 2-12, 14-20, 22-26, 28-31, and 33-36

[0060] These claims ultimately depend upon independent claims 1, 13, 21, 27, and 32, respectively. As discussed above, the independent claims are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0061] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 08/10/2007

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